

# APAC Associated Professionals and Contractors of CA, Inc.

Date: November 14, 2012  
To: Chairman Richard and Authority Board of Directors  
From: Diana LaCome, APAC President  
Re: Port of Oakland- Small Business Enterprise (SBE) Program

**Meeting the 30% Goal.** In order to assist prime contractors in meeting the 30% Small Business Enterprise Goal, APAC recommends that the CHSRA review the following information and utilize the projects and programs that could help primes meet the 30% goal.

APAC also recommends that CHSRA follow up with the Port of Oakland regarding their Project Labor Agreement, (PLA) which is considered a model program.

## Port of Oakland

Attached for your information are four pages of the Port of Oakland Small Business Program. I'd like to call your attention to **page three (3), paragraph 3** which reads as follows:

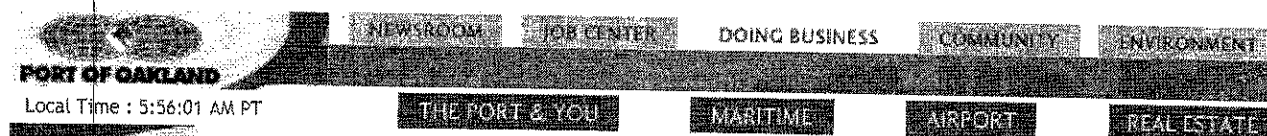
'Small contracts under \$1 Million will be bid under the small business exclusion included in the Project Labor Agreement. Eligible small local contractors that have been certified by the Port will be asked to participate in an informal bidding process for this work. Work done under the small business exclusion is exempt from Project Labor Agreement requirements. All public works jobs must pay prevailing wages and should be bid accordingly.

## **Caltrans**

Caltrans has a **Minor B Program** which includes projects under \$250,000 and will be perfect for awarding smaller contracts to SBEs. Please also look at **Directors Orders** for smaller contracts that can be awarded without going through the lengthy, state procurement process.

## **Federal 49 CFR part 26 – Final Rule 2011**

**Small Business Concerns**, which allows for "set asides" for small businesses and notes an example of \$1 million, but sets no limit.



[Main](#)  
[Contract Compliance](#)  
[Policies & Programs](#)  
[Reports](#)  
[Forms](#)  
[Bldg. & Dev. Permits](#)  
[Business Database/Certification](#)  
[Bid Notices](#)  
[RFP's/RFQ's](#)  
[FIR's/EIS's](#)  
[Business Events](#)

SEARCH

Sitemap

GO



## Contract Compliance - Social Responsibility Division

Some documents are available in the PDF format. [Get Adobe Reader](#). You must have the free Adobe [Acrobat Reader](#).

### Contract Compliance at the Port of Oakland

The Contract Compliance Department encourages the participation of small and local contractors, consultants and vendor businesses by ensuring non-discrimination through outreach, monitoring, education and technical assistance. As a means to achieving this goal, it has developed and is implementing the Port's Non Discrimination Small and Local Business Utilization Policy, its Airport Concession Disadvantaged Business Enterprise (ACDBE) Program, its Disadvantaged Business Enterprise (DBE) Program, its [Certification Program](#), and the administration and monitoring of the Port's Living Wage Ordinance and Federal/State prevailing wage requirements as well as wage monitoring of and small business access to opportunities in the Maritime Aviation Project Labor Agreement (MAPLA).

### LOCAL BUSINESS UTILIZATION POLICIES

1. **Non-Discrimination and Small Local Business Utilization Policy (NDSLBU)** covers design-bid-build projects. The Port also supports local consultants on its contracts.
2. **Alternative Project Deliver Approaches (ADPA)** covers design-build, the Terminal Expansion (Tex) and other non-typical projects.

**Certification** of local businesses for [applying](#) preference points and goals for Local Business Utilization Policies.

- » Streamlined certification process.
- » More than 600 local businesses in SRD's database.
- » Web-based access.

### DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

- » Covers federally funded construction projects and airport concessions.
- » Sets goals for small minority-owned, women-owned, other disadvantaged businesses.
- » SRD's DBE Program supported over \$11.5 million in federal funding for fiscal year 2008-2009.

**PUBLIC NOTICE FOR DBE AND ACDBE RACE NEUTRAL GOALS AND UPDATED DBE PROGRAM PLANS**  
[More Info](#)

### SUSTAINABLE WAGE PROGRAMS

1. **Living Wage Program**
  - » Covers Port assisted businesses with more than 20 employees working on Port related contracts.
  - » Covered businesses are required to pay at least \$11.70 with credit for [health benefits](#) and \$13.45 without health benefits, as of July 1, 2012.
2. **Prevailing Wage Program**
  - » Guarantees standard wages for construction projects.
  - » State sets prevailing wage levels for public works construction.

### MAPLA HISTORY

The Maritime and Aviation Project Labor Agreement (MAPLA) was adopted by the Board of Port Commissioners in March 2000. It was intended to cover the Capital Improvement Program (CIP) for the Port's Aviation and Maritime areas. In response to Port policies, the MAPLA was designed to ensure project labor stability, the [employment](#) of Port Local Impact Area (Oakland, Emeryville, San Leandro and Alameda) residents, and the utilization of Port recognized small businesses. MAPLA also covered other CIP projects in the Maritime and Aviation areas, and major maintenance.

Initially adopted for five years (through December 2004), MAPLA has been extended four times by Board action and the concurrence of the Building Trades Unions. Under the current extension, MAPLA will be extended on a month-by-month basis until such time as either the Port or the Unions provide 90 day notice of their desire to cease further extensions. MAPLA continues its cornerstone position as a catalyst for Local

Impact Area (LIA) employment opportunities and sound labor relations.

#### Projects Covered by MAPLA

Non federally funded on-site construction, modifications, alterations, repair and demolition of Port projects in the Maritime and Aviation areas that are over \$50,000 and Tenant Improvements in Maritime and Airport North Field over \$150,000 and over \$50,000 in the Airport area.

For projects which are funded through an agency or agencies of the United States Department of Transportation, the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement permitting the possible imposition of sanctions and/or binding arbitration for failure to demonstrate "good faith" efforts to meet local hiring goals are hereby deemed inapplicable. All other provisions of MAPLA are still enforced.

#### Parties to MAPLA

##### MAPLA Committee Structure

The Program requires an innovative approach to local contractor utilization, local hiring, community outreach and liaison as part of the administration and implementation of the Project Labor Agreement (PLA). The underlying philosophy of the program is to use the PLA and the related covered works as a vehicle for building the real capacity of local firms and individuals and to maximize their potential to successfully participate in large public works projects. The Program and its committee structure also provide administrative oversight to compliance, the social justice trust fund and resolution of grievances.

#### MAPLA REQUIREMENTS

##### MAPLA Hiring Goals

- \* 50% of the total hours to be worked by LIA residents \*
- \* 20% of apprentice hours worked by LIA residents \*

\* Local Business Area residents to work when LIA residents are not available.

Local Impact Area (LIA) - Oakland, Emeryville, San Leandro and Alameda  
Local Business Area (LBA) - Alameda and Contra Costa counties

##### Prevailing Wage

All workers covered by the MAPLA will be paid prevailing wages as determined by the California State Davis Bacon. For more information:

- \* Federal
- \* State

##### Letters of Assent

All prime contractors and all sub-contractors, no matter what tier, working on a MAPLA project must sign a letter of assent to the Project Labor Agreement. This letter binds the contractor to the terms of the Port's agreement, including trust fund obligations noted below. It does not bind any contractor to any other union collective bargaining agreement or any other trust fund obligations.

##### Letter of Assent

##### Core Worker Provision

Non-signatory contractors may use up to ten of their own "core" employees per craft provided that they hire the first person from the union hall and every other employee after that. All workers must be dispatched from the hiring hall, and the union must dispatch requested core employees.

##### Core Worker Provision

##### Drug Testing

Include in your bid the price of Substance abuse testing. MAPLA has a uniform substance abuse policy. All craft employees, including your core employees, must be tested for controlled substances before they start work at the jobsite.

##### Benefit Payments

Non-union contractors please note that your core employees are required to pay union initiation fees and monthly dues/representation fees while they will be working on the project. Also required is payment into the union's vacation, health & welfare, apprenticeship and pension trust funds for the hours worked on the project for both core and union employees.

##### Social Justice Trust Fund Contribution

Makes grants to programs to reduce barriers for local residents working in construction. Bidders should include an additional \$0.15 per hour above the Prevailing Wage Determination for hours worked and/or paid to craft employees. This money will go into Social Justice Trust Fund to assist local residents and community based organizations eliminate barriers to employment in the construction industry. The Social Justice Trust

Fund are paid to the East Bay Community Foundation and managed by the Social Justice Trust established by the Joint Apprenticeship Council.

[Social Justice Trust Fund Contribution](#) PDF

#### Local Business Utilization

The Port's bidding process places emphasis on contracting with locally owned business. Bidders should include local businesses in the list of subcontractors on projects.

#### Small Business Exclusion

Some contracts under \$1 million will be bid under the small business exclusion included in the Project Labor Agreement. Eligible small local contractors that have been certified by the Port will be asked to participate in an informal bidding process for this work. Work done under the small business exclusion is exempt from Project Labor Agreement requirements. All public works jobs must pay prevailing wages and should be bid accordingly.

#### Reporting by Contractors

The Port of Oakland's Elations System is a Web Access Monitoring System (referred to as WAMS) to monitor compliance with federal Davis Bacon/State prevailing wage laws and payment on contracts. All firms doing business with the Port on construction/public works and professional services contracts must register with Hill International. To get information on how to register with WAMS, contact Hill International Customer Service between 8:00am and 5:30pm PST at 1-925-913-7550 or e-mail Hill at [RosalindaMartinez@hillintl.com](mailto:RosalindaMartinez@hillintl.com).

#### MAPLA CONTACT INFORMATION

##### Port of Oakland

Lila Zinn, Social Responsibility Division  
(510) 627-1485  
[lzinn@portoakland.com](mailto:lzinn@portoakland.com)

Chris Chan, Engineering Administration  
(510) 627-1331  
[cchan@portoakland.com](mailto:cchan@portoakland.com)

##### Administrators

Gene Johnson, Davillier-Sloan, Inc.  
(510) 385-1262  
[gene@davilliersloan.com](mailto:gene@davilliersloan.com)

Ed Manning, E.F. Manning Consultants, Inc.  
(510) 867-7477  
[ed@efmanningconsultants.com](mailto:ed@efmanningconsultants.com)

Lee Halterman, Marstel-Day  
(703) 839-5519  
[lh@marstel-day.com](mailto:lh@marstel-day.com)

##### Labor

Andreas Cluver, Alameda County Building Trades Council  
(510) 430-8664  
[andreas\\_btca@sbcglobal.net](mailto:andreas_btca@sbcglobal.net)

[Project Labor Agreement](#) PDF

[12 Key Principles](#) PDF

#### Progress Reports

[July 1, 2011 - June 30, 2012](#) PDF

[January 1, 2010 - June 30, 2011](#) PDF

[January 1, 2009 - December 31, 2009](#) PDF

[July 1, 2008 - December 31, 2008](#) PDF

[January 1, 2008 - June 30, 2008](#) PDF

#### Contractor Information

[Working under the Project Labor Agreement](#) PDF

[Copy of Letter of Assent](#) PDF

[Core Worker Provision Language](#) PDF

[Division of Apprenticeship Standards \(DAS\) Form 140](#) PDF

[Small Business Exemption \(DSI to provide\)](#) PDF

[Social Justice Trust Fund Form](#) PDF



# INFORMATION AND RESOURCES

- » [Port of Oakland Small and Local Business Certification](#)
- » [California Apprenticeship Coordinators Association](#)
- » [Cypress Mandela, Inc.](#)
- » [Employment Development Department](#)
- » [Northern California Surveyors Joint Apprenticeship Committee](#)
- » [Tradeswomen, Inc.](#)
- » [360 Access Program \(Formerly ERDP\)](#)
- » [Ports America - Careers](#)
- » [Workforce Collaborative - \(510\) 819-8773](#)
- » [Youth Employment Partnership, Inc](#)

[The Port & You](#) | [Maritime](#) | [Airport](#) | [Real Estate](#) | [Newsroom](#)  
[Job Center](#) | [Doing Business](#) | [Community](#) | [Environment](#) | [Contact Us](#)

Copyright ©2000-2012 | [Terms](#) Port of Oakland. All rights reserved. [Credits](#).

Public comment by William Kerby at CA HSRA Board Meeting Nov 14, 2012

I am William Kerby, treasurer of the Rail Passenger Association of California and Nevada. RailPAC, a non-profit California corporation, represents members in California and other western states and advocates excellent passenger rail service. I am here today with a non-agenda item: station planning for Sacramento. We recognize that expected funding for high speed rail service comes in later phases of the statewide high speed rail plan, but local and regional planning is underway that could compromise or enhance the quality of high speed service through Sacramento.

Recently, the Urban Land Institute (ULI) sent a multidisciplinary team to Sacramento to study the development of the Intermodal Transportation Facility (ITF) proposed for the area around the Sacramento Valley Station which will become the restored Historic Sacramento Depot. Their recommendation envisions a Transit District that adds to the Historic Depot, a new ITF and a separate high speed rail terminal, rather than a single intermodal facility. While there are creative ideas in their report, their concept of separated buildings, much like those found on college campuses, scatters passenger transportation functions over a wide area. Because physical separation of the passenger transfer nodes defeats the central purpose of an Intermodal Facility, RailPAC opposes the ULI recommendation to separate the high speed rail terminal from the Intermodal Transportation hub near the Historic Depot. RailPAC director, Chuck Robuck, presents the argument that making transit connections between modes rapidly and conveniently is the central purpose of an Intermodal Transit Facility (ITF). He explains, in the November-December 2012 issue of Steel Wheels,\* that ULI places the high speed rail terminal approximately a half-mile to the northeast of the Historic Depot.

The RailPAC board of directors adopted a formal position that the transportation function is the most important use of the developable space between the Historic Sacramento Depot and the relocated and newly opened passenger tracks. To attract and increase demand for service, passengers need convenient connections to and from high speed trains and their subsequent modes of ground transportation. High speed rail customers will lose the time gained by traveling at high speed by taking a long walk from one terminal another, yet a significant proportion of passengers will need to take that walk with the implementation of the ULI proposal. We urge that planning for the Intermodal Transportation Facility give the highest priority to the needs of rail passengers arriving in or departing from Sacramento.

\*See Paragraph 2) a. in the attached copy of the Robuck article extracted from Steel Wheels.

William Kerby



# Sacramento Intermodal – No Place For A Sports Arena

by Chuck Robuck

The City of Sacramento is currently in the early stages of developing plans for Phase III of an Intermodal Transportation Facility. Of critical importance to the long term success of this project is resolution of the question of whether it is feasible and desirable to plan for both an Intermodal Facility AND a future Entertainment and Sports Complex (ESC) on the "Depot" site owned by the City of Sacramento.

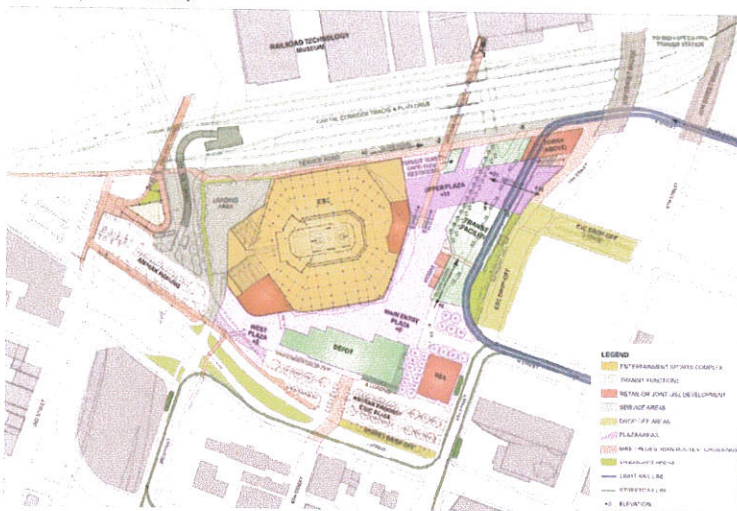
for travelers, and the **Anaheim Intermodal Facility**, under construction and described below, includes **1,082 close-in spaces** for transit users.

It is RailPAC's position that the 13-acre Depot site **should be preserved exclusively for an Intermodal Facility** (and appropriate related uses) and that an ESC NOT be built on the site for the following reasons:

## 1) Inadequate Space For Both An Esc And Intermodal Functions

- The City's own Consultant Report (AECOM), a world-wide corporation that has designed more National Basketball Arenas than any other firm, reported that while both could be built on this site, it would present significant "challenges" in fitting both facilities on such a limited footprint. In AECOM's Report Conclusion they stated: *"The functions of a sports complex take up space and may compromise the development potential of the equally important intermodal transit facility project and other potential joint-use or TOD opportunities in the Downtown area."*
- The Report also cites that the **number of bus berths would be limited** by the size of the facility that can be fitted on the site; thus, potentially requiring exploration of other sites. Motor bus connections, including operations of **AMTRAK, Yolo, Placer, El Dorado, Folsom, and Sacramento RT**, need more space. In addition to bus/rail connections, other modes of transit should be near the historic depot and/or new track platforms. Increasing numbers of **taxis, light rail, street cars, rental cars, and private vehicle pick up and drop off passengers and their luggage, but road lanes must meet the needs of both current and future users.** The Sacramento Area Council of Governments estimates that the number of riders will grow from the current 1.1 million to 15 million by 2025.
- Lack of space for Intermodal Parking** – Building an ESC on the Depot site would not allow for adequate space for close-in convenient parking for Intermodal Transit Users. In comparison, the **New Terminal B at Sacramento International Airport** provides close-in parking spaces

Figure 5: Site Option A Land Use Concept



Land Use Graphic of Sacramento Depot Site with ESC and Intermodal District (AECOM August 2012 Report)

## d. Destination Parking –

Local people who will patronize businesses in the Historic Depot as their destination need dedicated parking near future ventures such as restaurant services, boutique and gift shops. Customers of Amtrak Express, a business now operating through the baggage area of the Historic Depot, benefit from close proximity between the vehicles that carry merchandise to be transferred to or from the express shipment window.

- Comparison with Anaheim Intermodal Facility – Ground breaking for construction of Anaheim's new, state-of-the-art Intermodal Facility took place on Sept 18, 2012 (<http://artinfo.com/>). AMTRAK ridership at the existing Anaheim Station was **352,363** (540,000 including Metrolink) in FY 2010-11 compared to **1,175,046** for the same year at the Sacramento Station. The site for Anaheim's Intermodal is **15.7 acres**; with the addition of jointly used ESC and intermodal plaza areas in Sacramento, space dedicated for transit usage appears to be less than **3.5 acres or 25% of the PROPOSED DEPOT SITE** (including the core 13-acre site plus the 1.85 acres for Lot 40 not currently owned by the City).

## 2) An Arena On The Site Would Require Future High-Speed Rail To Be Located An Unacceptable Distance From The Existing Historic Depot.

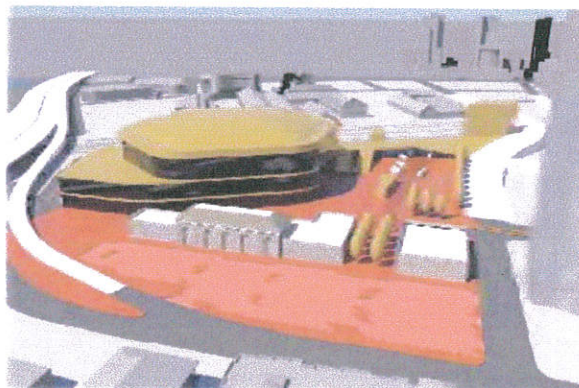
- The Urban Land Institute recommended development of a **"TRANSIT DISTRICT"** as opposed to a single unitary Intermodal Facility. While we agree with much of this concept, we do NOT agree with fragmenting the Intermodal functions by locating High Speed Rail to a site located **NORTH of the new track Alignment and EAST of 6th Street**. This distant siting of high speed rail defeats the primary purpose of an Intermodal Facility - to make transit connections between modes quick and convenient. Locating High Speed Rail at this site would require passengers to **walk up to one-half mile** to reach the Historic Depot.



### 3) An Arena On The Depot Site Would Create Both Visual And Physical Barriers To The Historic Shops And Historic Depot Building.

- a. The AECOM Report to the City states that *"the placement of a large 135-foot high sports complex on the project site will significantly exceed the height of the two-story and Depot building and obstruct views to the Central Shops"*... This will create a visual barrier to the Central Shops. This lost view is in direct conflict with one of the key recommendations of the Urban Land Institute in developing the Railyards. **See graphic at right from the AECOM Report**

RailPAC is on record as opposing the siting of an ESC at the Sacramento Depot and Intermodal station. As Passenger rail and transit increase ridership and High Speed Rail is added the site will need all of the space available for transportation functions and Transit Oriented Development. Other sites have been suggested for a Sports Arena in what we believe are more appropriate locations, and these should be properly studied.



Site Option A Massing Concept, View from the South

View of Arena Massing from the South - AECOM Report August 2012

## Top 10 Reasons to Travel by Train

Long an under-appreciated part of the U.S. travel scene, train travel is making a comeback. Amtrak ferried 31.2 million passengers around the country in fiscal year 2012, an all-time record for the railroad. With the economy still slumping, train travel is looking increasingly attractive to budget-conscious travelers. Plus, a scenic train ride can even be a vacation in itself. Need more reasons to take the train? You've come to the right place.

### 1. Money Savings

Trains are an increasingly cost-effective alternative to planes, particularly if you're going a relatively short distance or if you're traveling in the busy Northeast Corridor, where train service is fast and frequent. Amtrak and other rail operators usually give discounts to children, seniors, students, AAA members, military personnel and other key demographics.

### 2. Stable Fares

Anyone who's agonized over when to purchase airfare knows how arcane and frustrating the airlines' pricing structures can be. Train fares tend to be the same day after day on any particular route, whether it's Monday or Saturday, April or August, two months in advance or two days before departure.

### 3. Flexibility

Except on long-haul or infrequently traveled routes, trains tend to offer travelers a great deal of flexibility. Missed the 10 a.m. train? Just catch the 10:30 or 11 a.m. train instead. Most short trips do not require prior reservations, and you can simply show up at the station the day of your trip and grab a ticket for the next train -- without paying an exorbitant last-minute fare.

### 4. More Baggage...

These days, nearly all the major airlines charge travelers a fee to check a bag or two. Compare these stingy policies to Amtrak's baggage allowance: two carry-on items up to 50 pounds each (as well as personal items such as purses, strollers and diaper bags) and up to four checked bags up to 50 pounds each, the first two of which are free. Third and fourth checked bags cost \$20 each.

### 5. ...Less Hassle

Imagine taking a trip and not having to arrive two hours early, wait in a long security line, take off your shoes for inspection, or ration out your liquids and gels. Welcome to the world of train travel. In most cases you can arrive 30 minutes ahead of time and walk straight to your platform.

### 6. Door-to-Door Convenience

Unlike airports, most major train stations are located right downtown in the heart of the cities they serve. Instead of taking an expensive airport cab ride from miles outside of town, you can step off your train and be just moments from your hotel.

### 7. Eco-Friendliness

Trains are more energy-efficient per passenger mile than planes or cars, making them one of the most eco-friendly transportation options around (short of walking or riding your bike!). Carbon emissions from trains are less damaging to the environment than those of airplanes because train emissions are not released directly into the upper atmosphere. As a bonus, the relative energy-efficiency of trains means that the industry is less vulnerable to increases in fuel prices -- making train fares more stable in an unstable economy.

### 8. Old-Fashioned Charm

There's something refreshingly traditional about taking a train, particularly if you're traveling over a long, multi-night route. The days of silverware and fine china in coach class may be long gone in the airline industry, but on overnight trains you'll still find dining cars with full-service meals and uniformed wait staff. During the day, many train travelers choose to read books, play cards or simply enjoy the scenery rushing by.

### 9. Comfort and Relaxation

Rather than cramming yourself into an ever-shrinking airplane seat or squinting at road signs trying to figure out where to make your next turn, why not relax on a train? It's one of the least stressful forms of transportation out there: someone else does the driving, you'll have more legroom than you would on an airplane and you'll be able to move around at will -- not just when the captain turns the seatbelt sign off.

### 10. Beyond Just Transportation

Unlike airplanes, which whisk you from point A to point B with barely a glimpse of what's in between, a train ride can be a destination in and of itself. Consider the California Zephyr, a dramatic route that wends its way through the Rocky and Sierra Nevada Mountains from Chicago to San Francisco. A ride on this popular Amtrak service offers spectacular scenery. During fall foliage season, try a ride on the Ethan Allen Express from New York to Vermont and enjoy the autumn colors.

Reprinted with permission of The Independent Traveler, Inc.  
Copyright 1995 - 2012, The Independent Traveler, Inc. All Rights Reserved.  
(<http://www.independenttraveler.com>).

With permission of business writer and columnist Jon Ortiz of the Sacramento Bee contacted at (916) 321-1043 and at [jortiz@sacbee.com](mailto:jortiz@sacbee.com)

Sharing article with Executive Board California High Speed Rail Authority

Public Comment for Monthly Board Meeting of C.H.S.R.A. held 10:00a.m., Thursday, November 14, 2012  
Member of Public, Daniel W. Dolan, President Western States Title Services "commenting and advising "  
during Public Comment portion of the meeting → comments being addressed to the Executive Board  
and Chairman Dan Richard as well as staff including: CEO Jeff Morales, Counsel Thomas Fellenz, and  
Patricia Jones Director of Real Property and sponsor HSR 11-02, final bids due in final form by 4:00p.m.,  
today per the terms of the RFP published by BidSync

[westststitle@yahoo.com](mailto:westststitle@yahoo.com)

925-451-6244

November 9, 2012 article by: Mr. Jon Ortiz, copy attached hereto 2 pages

LAO: California unprepared for public-private partnerships







## Chronicling civil-service life for California state workers

Share

Facebook

Share

StumbleUpon

Twitter

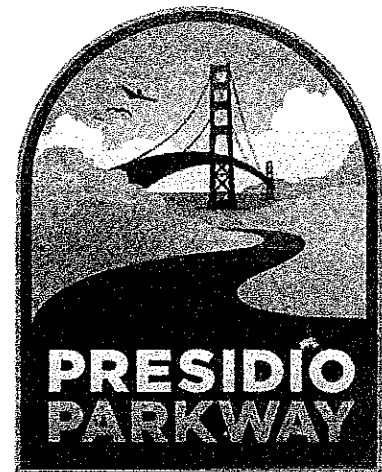
Email

November 9, 2012

### LAO: California unprepared for public-private partnerships

A new report by the **Legislative Analyst's Office** concludes California taxpayers have overpaid for two infrastructure projects that granted private businesses more sway in the process, but that the state could save big bucks through so-called "public-private partnerships" if they were executed properly.

State officials looked at **Caltrans'** and local governments' **Presidio Parkway** project in San Francisco and the **Long Beach Courthouse**, which is overseen by the state **Administrative Office of the Courts**. Both projects are still under construction. Each carries a taxpayer price tag of nearly **\$500 million** and are being built through a public-private partnership.



Also known as "P3s," public-private partnerships usually are **single-contract infrastructure agreements** between a government entity and a private partner, often a consortium of several businesses. The private partner designs, builds, finances, operates and maintains the road, bridge or building. More traditional approaches to large public projects split the work between government agencies and several private firms that bid separately.

The LAO estimates the Presidio project could have been up to **\$140 million cheaper** with a more traditional approach. Officials decided on a P3 based on several inaccurate estimates, including how competitive bidding would drive down construction costs. The courthouse project could have been up to **\$160 million less** with a non-P3 approach.

Public-private partnerships can work for the state, the LAO said, but it needs to develop expertise to estimate costs and benefits correctly, pick the right projects and then negotiate the deals: "Based on our review of



procurement option for some of the state's infrastructure projects."

Legislative Analyst report: "Maximizing State Benefits from Public-Private Partnerships"

**Categories:** Business of Government

**Tags:** Administrative Office of the Courts, Caltrans, Legislative Analyst's Office, P3s

Share

Facebook

Share

StumbleUpon

Twitter

Email

Posted by **Jon Ortiz**

4:56 PM | 13 Comments

© Copyright The Sacramento Bee. All rights reserved.

### About Comments

Reader comments on Sacbee.com are the opinions of the writer, not The Sacramento Bee. If you see an objectionable comment, click the "report abuse" button below it. We will delete comments containing inappropriate links, obscenities, hate speech, and personal attacks. Flagrant or repeat violators will be banned. See more about comments here.

Like

**Showing 1-10 of 14 comments**

Sort by newest first



**Weaver333**

Since when did thrift have anything to do with public-private partnerships? The purpose of a public-private is to provide graft to politicians and excessive guaranteed profit to the private contractor.

Today 08:55 AM Report Abuse

Like Reply



**Charlie Peters**

Do governments share GMO fuel research payments so profits can be exported? So check your water tap for GMO fuel.

11/10/2012 06:57 PM Report Abuse

Like Reply



**ragin49**

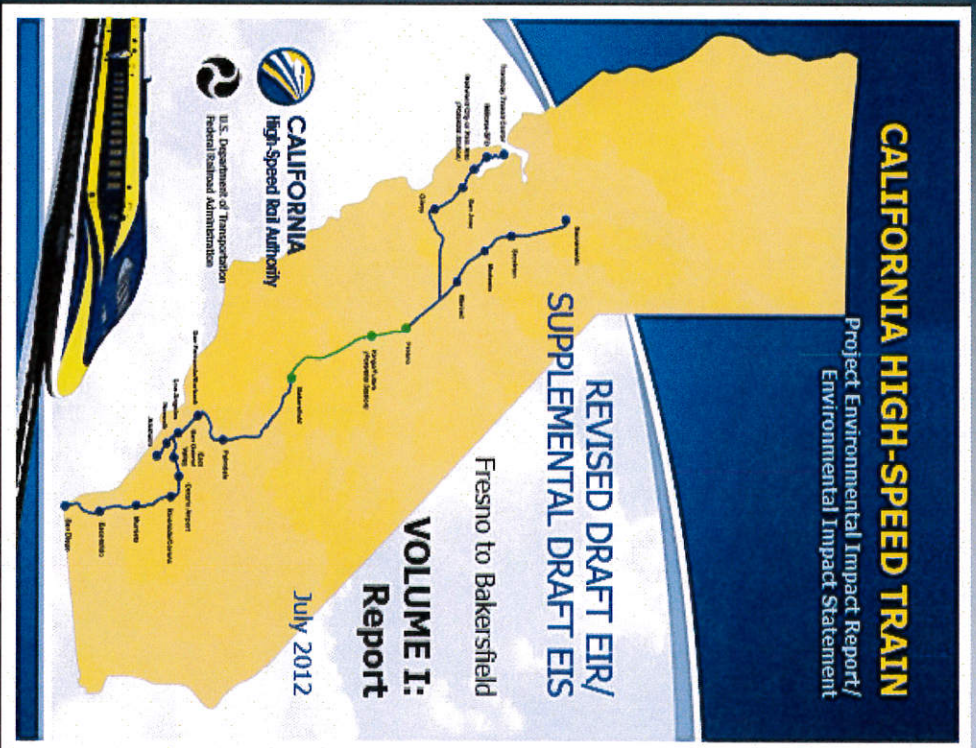
this is the biggest waste in ca right now...2/2 in cost overruns on p3 projects...the big dig back east was ap p3 project...makes no sense to not let private firms bid competitively...

11/10/2012 09:41 AM Report Abuse

Like Reply

[http://blogs.sacbee.com/the\\_state\\_worker/2012/11/lao-california-unprepared-for-public-p...](http://blogs.sacbee.com/the_state_worker/2012/11/lao-california-unprepared-for-public-p...) 11/13/2012





**CCHSRP**  
CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY

# Fresno to Bakersfield

## Revised Draft Environmental Impact Report/Statement

July 2012





## Preface

## What Is This Document?

The California High-Speed Rail Authority (Authority) proposes to construct, operate, and maintain an electric-powered high-speed train (HST) system in California. When completed, the nearly 500-mile high-speed train system will provide new passenger rail service to California's major metropolitan areas and through the corridors that are home to more than 90% of the state's population. The Fresno to Bakersfield HST Section is a critical link connecting the Bay Area HST system north and south to the rest of the system.

The first Environmental Impact Report / Environmental Impact Statement (EIR/EIS) filed under step 1 in the environmental process after the development and certification of the 2006 Final Program Amendment (Final Program) (*Environmental Impact Statement for the Proposed California High-Speed Train System*) required to complete the 1982-1983 Program EIR/EIS and the 2000 Rail Area to Corral Valley Study (*Second Final Program Environmental Impact Report / Environmental Impact Statement*) prepared by Transwest Express as the lead agency for the California High-Speed Rail Authority and the Federal Railroad Administration (FRA) included the Fresno to Bakersfield Section Draft EIR/EIS. The public from August 15 to October 13, 2011, based on substantive comments received during the public and agency review of the Draft EIR/EIS, the authority decided to restructure alignment alternatives and of Chapter 1. In response to concerns raised by stakeholders in metropolitan Bakersfield, the Authority and FRA also decided to evaluate another alternative in Bakersfield (Bakersfield Urban Alternative) that would minimize impacts to residential and community facilities. The Authority and FRA determined that the introduction of these new alternatives and refinements being considered for the Fresno to Bakersfield route alternatives warranted publication of the Revised Draft EIR and Supplemental Draft EIS in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Because of the highly technical and complex nature of the proposed Fresno to Bakersfield Section of the HST project, this EIR/EIS contains more information than is mandated by either the federal or state statutory and regulatory requirements.

This Revised Draft EIS/Supplemental Draft EIS does the following:

- Describe the ISE alternatives and their potential impacts
- Provide environmental information to assist decision makers in selecting the project to be built
- Identify measures to avoid and minimize impacts and, when necessary, compensate for adverse impacts
- Consider cumulative impacts as part of the environmental review process.

## How Do I Use This Document?

The purpose of environmental documents prepared under NEPA and CEQA is to disclose information to decision makers and the public. Although the source and analysis that supports such disclosure (DSEI/Supplemental Draft EIS) is complex, this document is intended for the general public. Every attempt has been made to treat technical terms and the use of acronyms, without this cannot be avoided, the terms and acronyms are defined the first time they are used, and a list of acronyms and abbreviations is provided (Appendix 13).

How do you use the  
California High-  
Speed Rail Authority  
and Federal Railroad  
Administration's  
Document?

-Answer-

Follow the Directions.



## How Do I Use This Document?

The purpose of environmental documents prepared under NEPA and CEQA is to disclose information to decision makers and the public. Although the science and analysis that supports this Revised Draft EIR/Supplemental Draft EIS is complex, this document is intended for the general public. Every attempt has been made to limit technical terms and the use of acronyms. Where this cannot be avoided, the terms and acronyms are defined the first time they are used, and a list of acronyms and abbreviations is provided (Chapter 13).





project if the project is implemented, and the significant irreversible environmental changes that would occur as a result of the project or irreversible consequences of mitigation or treatment of future options. Chapter 6.0 also provides information about identification of the preferred alternative and the most environmentally damaging practicable alternative.

Chapter 7.0, Public and Agency Involvement, contains summaries of consultation and outreach activities with agencies and the public to date.

Chapter 8.0, EIR/EIS Distribution, identifies individuals and organizations informed of the availability of the Revised Draft EIR / Supplemental Draft EIS.

Chapter 9.0, List of Preparers, provides the names and responsibilities of the authors of the Revised Draft EIR / Supplemental Draft EIS.

Chapter 10.0, References/References Used in Document Preparation, cites the references and sources used in writing the document.

Chapter 11.0, Glossary of Terms, provides a definition of certain terms used in the EIR/EIS.

Chapter 12.0, Index, provides a tool to cross-reference major topics used in the EIR/EIS.

Chapter 13.0, Acronyms and Abbreviations, defines the acronyms and abbreviations used in the document.

Appendices and Technical Reports provide additional details on the project and EIR/EIS project. Technical appendices, included in Volume II, are related to the affected environment and environmental consequences analysis. These appendices are numbered to match their corresponding environmental elements in Chapter 1, but will be in Chapters 1, 2, and 3 of the Revised Draft EIR/Supplemental Draft EIS. Combined technical reports prepared for transportation or facility and project impacts (noise and vibration, biological resources and wetlands, hydrology and water resources, geology, soils, and seismity, hazardous materials and waste, aesthetics and recreation, socioeconomic, aesthetics and visual quality, cultural resources, paleontological resources, as well as other topics identified in the Revised Draft EIR/Supplemental Draft EIS, are available on DVD, Volume III, Appendix and Other Plans, also available on DVD, present project design drawings, including trackway design and road crossing design. These documents are also available at [www.highspeedrail.ca.gov](http://www.highspeedrail.ca.gov) and at locations identified in Chapter 6, EIR/EIS Distribution.

## What Happens Next?

### Public Review of the Revised Draft EIR / Supplemental Draft EIS

The Authority and FRA are widely circulating the Revised Draft EIR/Supplemental Draft EIS to affected local jurisdictions, state and federal agencies, tribes, community organizations, other interest groups, and interested individuals. The document is also available at Authority offices, public libraries, and community centers. Those who wish to review and/or comment are provided a formal public comment period following the date of issuance of the document. In addition, public hearings will be held during the comment period to receive oral testimony.

### Identification of Preferred Alternative

After the California High-Speed Rail Authority Board considers the information in the Project EIR/EIS, public and agency comments on the Draft EIR/EIS and the Revised Draft EIR/Supplemental Draft EIS, and other relevant information, the Board is expected to identify a preferred alternative. The Board will not make a final decision on the project alternative to be

Why are the  
Technical Reports  
Important and  
where can you  
review these  
Important  
documents?  
-Answer-  
Read and follow  
the Authority's  
and the FRA's  
directions



**Chapter 13.0, Acronyms and Abbreviations**, defines the acronyms and abbreviations used in this document.

**Appendices and Technical Reports** provide additional details on the project and EIR/EIS process. Technical appendices, included in Volume II, are related to the affected environment and environmental consequences analyses. These appendices are numbered to match their corresponding environmental elements in Chapter 3, as well as in Chapters 1, 2, and 5 of the Revised Draft EIR/Supplemental Draft EIS. Detailed technical reports prepared for transportation; air quality and global climate change; noise and vibration; biological resources and wetlands; hydrology and water resources; geology, soils, and seismicity; hazardous materials and waste; acquisitions and relocations; socioeconomic; aesthetics and visual quality; cultural resources; paleontological resources, as well as other sections identified in the Revised Draft EIR/Supplemental Draft EIS, are available on DVD. Volume II, Alignment and Other Plans, also available on DVD, presents project design drawings, including trackway design and road crossing design. These documents are also available at [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov) and at locations identified in Chapter 8, EIR/EIS Distribution.

## What Happens Next?

### Public Review of the Revised Draft EIR / Supplemental Draft EIS

The Authority and FRA are widely circulating the Revised Draft EIR/Supplemental Draft EIS to affected local jurisdictions, state and federal agencies, tribes, community organizations, other interest groups, and interested individuals. The document is also available at Authority offices, public libraries, and community centers. Those who wish to review and/or comment are provided a formal public comment period following the date of issuance of the document. In addition, public hearings will be held during the comment period to receive oral testimony.

### Identification of Preferred Alternative

After the California High-Speed Rail Authority Board considers the information in the Project EIR/EIS, public and agency comments on the Draft EIR/EIS and the Revised Draft EIR/Supplemental Draft EIS, and other relevant information, the Board is expected to identify a preferred alternative. The Board will not make a final decision on the project alternative to be



implemented until after the Final Project EIR/EIS is issued. The preferred alternative is called a "preferred alternative" by FRA to make clear that the federal government has not made a decision until it issues a Record of Decision (ROD) after completion of the Final EIR/EIS.

#### Final EIR/EIS and Project Decision

After circulation of the Revised Draft EIR/Supplemental Draft EIS and consideration of comments received both on the Draft EIR/EIS and the Revised Draft EIR/Supplemental Draft EIS, the Authority and FRA will prepare the Final EIR/EIS. The Final EIR/EIS will document and address comments received on the Draft EIR/EIS and the Revised Draft EIR/Supplemental Draft EIS. It will also describe the preferred alternative and proposed mitigation commitments associated with the Fresno to Bakersfield Section. Following completion of the Final EIR/EIS, the Board will consider certifying the Final EIR/EIS for compliance with CEQA, and making a final decision on the project. FRA's decision under NEPA is not final until it certifies the ROD on the Final EIR/EIS.

#### Federal Approval

FRA will issue a decision document referred to as the federal "record of decision" or ROD. The ROD states FRA's decision on the project, identifies the alternatives considered by FRA in reaching its decision, and identifies the Authority's commitments to mitigate project impacts. Issuance of the ROD is a prerequisite for any federal funding or approvals.

#### Fresno to Bakersfield HST Milestone Schedule

August 2011	Public release of Draft EIR/EIS
July 2012	Public release of Revised Draft EIR/Supplemental Draft EIS
January 2013	Final EIR/EIS published
March 2013	Notice of Determination and Record of Decision
2011 through 2013	Final design/permitting
Spring 2013	Property acquisition begins
2013	Construction begins
2019	Operation begins (Testing)

The schedule for final design, construction, and operation would be refined as the project moves closer to the end of the environmental review and preliminary design phase. The Authority envisions that service would be provided between Fresno and Bakersfield by 2022.

The Authority's and  
the FRA's  
schedule appears  
to be more  
important than  
the public's  
participation in  
this  
Environmental  
Review of this  
project.



# Who is directly responsible for preventing the Public from reviewing the Technical Reports?

On the NEPA Side:  
David Valenstein  
Federal Railroad  
Administration

On the CEQA Side:  
Jeff Morales  
California High-Speed  
Rail Authority

CALIFORNIA HIGH-SPEED TRAIN PROJECT REVISED DRAFT ENVIRONMENTAL EFFECTS STATEMENT TO DRAFT/REVIEW SECTION	
FACT SHEET	FACT SHEET
<b>Project Name</b> California High-Speed Train Project, Fresno to Bakersfield Section	address impacts identified in the Revised Draft EIS/Supplemental Draft EIS. <b>Point of Contact</b> Federal Railroad Administration 1200 New Jersey Avenue SE MS-30 Washington, D.C. 20590 California High-Speed Rail Authority 770 L Street, Suite 800 Sacramento, CA 95814
<b>Project Description</b> The California High-Speed Train Project, Fresno to Bakersfield Section, proposes to build and operate an approximately 114-mile portion of a larger high-speed train (HST) system which is intended to connect to sections traveling west to San Francisco, south to Los Angeles and later, north to Sacramento. The project is designed as a short-wheel-on-steel-railway completely grade-separated from other modes. The need for this project is directly related to the population growth and increased intensity-based demand over the next 20 years and beyond and the increased travel delays and congestion that would result on California's highways and airports. Additionally, Fresno, Kings, Tulare, and Kern counties have limited connectivity with the state's larger urban metropolitan areas.	<b>NEPA Lead Agency</b> The Federal Railroad Administration is the lead agency for NEPA. <b>Responsible NEPA Official</b> David Valenstein, Chief Environmental and Systems Planning Division Federal Railroad Administration 1200 New Jersey Avenue, SE, MS-30, W38-303 Washington, DC 20590
<b>The Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (Revised EIS/Supplemental EIS) considers two alternatives, including the No Project Alternative and the new HST alternative, the BOP, Harford West Bypass 1, Harford West Bypass 2, Corcoran Bypass, Corcoran Bypass, Hanford Bypass, Wasco Shafter Bypass, Bakersfield South, and Bakersfield Hybrid alternative. Each contains one station in Fresno, one station in Bakersfield, and a isolated Rural/Tulare National Station located in the vicinity of Hanford. The HST in this section has the ability to travel up to 220 mph along the alignment. Federal environmental impacts of the alternative include displacement of commercial, residential, and agricultural properties; increase in noise; increase in traffic at each of the stations; impacts on historic and archeological sites; impacts on parks and recreational resources; visual impacts; impacts on sensitive biological resources and wetlands; and use of energy. Mitigation measures are described to</b>	<b>CEQA Lead Agency</b> The California High-Speed Rail Authority is the lead agency for CEQA. <b>Responsible CEQA Official</b> Jeff Morales, Chief Executive Officer California High-Speed Rail Authority 770 L Street, Suite 800 Sacramento, CA 95814 <b>The Revised Draft EIS/Supplemental Draft EIS is available at the at:</b> <a href="http://www.calhst.com/ceqa">http://www.calhst.com/ceqa</a> Physical copies of the Revised Draft EIS/Supplemental Draft EIS, related appendices and technical reports are available at the California High-Speed Rail Authority, public library, and community centers (see list of respondents beginning on page 8-1).
<b>Contact Information</b> To obtain a copy of the environmental documents, contact: Michael Penhew California High-Speed Rail Authority 770 L Street, Suite 800 Sacramento, CA 95814 (916) 324-1541 E-mail: <a href="mailto:mpenhew@calhsra.gov">mpenhew@calhsra.gov</a>	



## 8.0 EIR/EIS Distribution

The distribution of the Fresno to Bakersfield section Revised Draft EIR/Supplemental Draft EIS emphasizes the use of electronic media to ensure cost-effective, broad availability to the public and interested parties. The online Revised Draft EIR/Supplemental Draft EIS, appendices, and supporting reports are available on the California High-Speed Rail Authority's web site ([www.calhighspeedrail.ca.gov](http://www.calhighspeedrail.ca.gov)). The Revised Draft EIR/Supplemental Draft EIS is also available at the repositories listed below. Electronic copies of the document are available on compact disc upon request at the office of the California High-Speed Rail Authority, 700 L Street, Suite 800, Sacramento, CA 95814.

All persons, agencies, and organizations listed in this chapter have been informed of the availability of, and locations to obtain, the Revised Draft EIR/Supplemental Draft EIS, as well as the timing of the 60-day formal comment period. Notice of availability of the Revised Draft EIR/Supplemental Draft EIS has been included in the Federal Register. Repositories and cooperating federal agencies were sent both hard and electronic copies of the Revised Draft EIR/Supplemental Draft EIS and appendices. Copies were filed with the California State Clearinghouse. Other federal agencies, state agencies, and selected interested parties listed below have received summary chapters and electronic copies of the Revised Draft EIR/Supplemental Draft EIS. Federal, state, and county elected officials, mayors of cities with possible stations, and the potentially affected local agencies listed below were mailed an informational brochure and instructions on how to obtain a copy of the Revised Draft EIR/Supplemental Draft EIS. Additional local elected officials and agency representatives and all others on the project mailing list have been mailed a notification that includes information about how to access the Revised Draft EIR/Supplemental Draft EIS; the timing of the formal comment period; and public meeting dates, times, and locations.

### 8.1 Repository Locations

Allensworth: Allensworth Community Services District, 3336 Road 84, Allensworth, CA  
Phone: (661) 849-3894

Allensworth: Allensworth Community Center, 8123 Avenue 36, Allensworth, CA  
Contact: Kayode Kadanu

Armona: Kings Co. Library, 11115 C Street, Armona, CA  
Phone: (559) 583-5005  
Contact: Mary Diaz

Bakersfield: Kern Co. Library, Baker Branch, 1400 Baker St., Bakersfield, CA  
Phone: (661) 861-2390  
Contact: Sherry Wade

Bakersfield: Kern Co. Library, Beale Memorial Library, 701 Truxtun Avenue, Bakersfield, CA  
Phone: (661) 868-0701  
Contact: Maria Rumbledge

Bakersfield: Kern Co. Library, Northeast Branch, 3725 Columbus St., Bakersfield, CA  
Phone: (661) 871-9017  
Contact: Heather Eddy

Bakersfield: Dr. Martin Luther King, Jr. Community Center, 1000 South Owens St., Bakersfield, CA  
Phone: (661) 322-9874  
Contact: Linda McVicker

Printed copies of the Technical Reports were reported to be available at 50+ public locations for the public review but the printed and digital copies were never distributed to the designated public review sites.



Bakersfield: Greenacres Community Center, 2014 Calloway Dr., Bakersfield, CA  
Phone: (661) 392-2010  
Contact: JD Gileson

Bakersfield: Community Action Partnership of Kern, 300 19th Street, Bakersfield, CA  
Phone: (661) 336-5236  
Contact: Amanda Norman, Executive Assistant

Bakersfield: Richard Prado East Bakersfield Senior Center, 2101 Ridge Road, Bakersfield, CA  
Phone: (661) 323-8624  
Contact: Patty Carter

Bakersfield: Richard Prado East Bakersfield Senior Center, 2101 Ridge Road, Bakersfield, CA  
Phone: (661) 323-8624  
Contact: Patty Carter

Covis: Fresno County Public Library, Covis Regional Library, 1155 Fifth Street, Covis, CA  
Phone: (559) 299-9531  
Contact: Wendy Ebenberg, Supervising Librarian

Corcoran: Kern County Library, Corcoran Branch, 1001 Chinden Avenue, Corcoran, CA  
Phone: (559) 992-3314  
Contact: Joseph Zamora, Head Librarian

Delano: Kern County Library, Delano Branch, 925 10th Avenue, Delano, CA  
Phone: (661) 725-1078  
Contact: Carol Saunders, Branch Supervisor

Fresno: Fresno County Public Library, Central Branch, 2420 Mariposa Street, Fresno, CA  
Phone: (559) 600-7323  
Contact: Nancy Espinosa, Document Librarian

Fresno: Fresno County Public Library, Cedar-Clinton, 4150 E. Clinton St., Fresno, CA  
Phone: (559) 442-1770  
Contact: Albert Salazar

Fresno: Fresno County Public Library, Fig-Garden, 3071 W. Bulard Ave., Fresno, CA  
Phone: (559) 600-4071  
Contact: Penny Hill, Branch Supervisor

Fresno: Fresno County Public Library, Mosqueda Center, 4670 E. Butler Ave., Fresno, CA  
Phone: (559) 453-4072  
Contact: Wendy Ebenberg, Branch Supervisor

Fresno: Fresno Co. Public Library, Sunnyside, 5566 E. Kings Canyon Rd., Fresno, CA  
Phone: (559) 600-6594  
Contact: Robyn Aguilar

Fresno: Fresno Co. Public Library, West Fresno, 188 E. California Ave., Fresno, CA  
Phone: (559) 455-6066  
Contact: Penny Hill, Branch Supervisor

Fresno: Fresno Co. Public Library, Woodward Park, 944 E. Perth Ave., Fresno, CA  
Phone: (559) 600-3135  
Contact: Rebecca Neri, Branch Supervisor

Fresno: Fresno Co. Public Library, Senior Resource Center, 2025 E. Dakota Ave., Fresno, CA  
Phone: (559) 255-3383  
Contact: Richard Mann

Fresno: Fresno County - Clerk of the Board, 2281 Tulare St., #301, Fresno, CA  
Phone: (559) 600-3529  
Contact: Bernice Seibel, Clerk of the Board

Fresno: Einstein Neighborhood Center, 3566 E. Dakota, Fresno, CA  
Phone: (559) 621-6600  
Contact: Kyle Jeffcoat, Supervisor

Fresno: Fresno Intercultural Refugee Ministries (F.I.R.M.), 1940 N. Fresno St., Fresno, CA  
Phone: (559) 487-1500  
Contact: Tony Bouthapayana

Fresno: Mary Ella Brown Community Center, 1350 E. Amstadle, Fresno, CA  
Phone: (559) 621-6729  
Contact: Kyle Jeffcoat, Supervisor

Fresno: LaHayette Neighborhood Center, 1516 E. Princeton, Fresno, CA  
Phone: (559) 621-2900  
Contact: Kyle Jeffcoat, Supervisor

Fresno: Mosqueda Community Center, 3670 E. Butler, Fresno, CA  
Phone: (559) 621-6729  
Contact: Kyle Jeffcoat, Supervisor

Fresno: Todd C. Wilks Community Center, 770 N. San Pablo, Fresno, CA  
Phone: (559) 621-6720  
Contact: Kyle Jeffcoat, Supervisor

Fresno: Dickey Development Center, 1515 E. Dinwiddie, Fresno, CA  
Phone: (559) 621-2953  
Contact: Kyle Jeffcoat, Supervisor

Fresno: Frank H. Ball Community Center, 760 Mayor Ave., Fresno, CA  
Phone: (559) 488-1502  
Contact: Kyle Jeffcoat, Supervisor

Hanford: Kings County Library, Hanford Branch (Main Library), 401 N. Douly Street, Hanford, CA  
Phone: (559) 582-0261  
Contact: Sherman Lee, Reference Librarian

Hanford: Hanford Adult School, 905 Campus Dr., Hanford, CA  
Phone: (559) 583-5905  
Contact: Rosemarie Lopez-Hernandez

Hanford: Kings Community Action Organization, 1130 N. 11th Avenue, Hanford, CA  
Phone: (559) 582-4386  
Contact: Jenny Hoffmaster

Hanford: Housing Authority of Kings County, 670 South Twin Street, Hanford, CA  
Phone: (559) 582-3120  
Contact: Sandra Jackson-Bodo



Lafon: Fresno County Public Library, Lafon Branch, 6313 Oakwood Street, Lafon, CA  
 Phone: (559) 923-4554  
 Contact: Sean Angton

Lafon: Lafon Community Services District, 6501 E. Lafon Ave, Lafon, CA  
 Phone: (559) 923-4802  
 Contact: Joann Remp

Lemoore: Kings County Library, Lemoore Branch, 457 C Street, Lemoore, CA  
 Phone: (559) 924-2188  
 Contact: Christine Bode, Branch Supervisor

Pinedale: Fresno Co. Public Library, Pinedale, 7170 N. San Pablo St., Pinedale, CA  
 Phone: (559) 439-0486  
 Contact: Bob DeMontone

Pinedale: Pinedale Community Center, 7170 N. San Pablo St., Pinedale, CA  
 Phone: (559) 621-6729  
 Contact: Kyle Jefferson

Shafter: Kern Co. Library, Shafter Branch, 236 James Street, Shafter, CA  
 Phone: (661) 746-2156  
 Contact: Joe DeFamuz

Shafter: Shafter Youth Center, 455 E. Euclid Avenue, Shafter, CA  
 Phone: (661) 746-8235  
 Contact: Angie Velarde, Program Manager

Shafter: Shafter Housing Authority, 300 Terra Vista Lane, Shafter, CA  
 Phone: (661) 746-2583  
 Contact: Marla Corpuz

Tulare: Tulare Public Library, Tulare Branch, 475 North M Street, Tulare, CA  
 Phone: (559) 685-4506  
 Contact: Mary-Catherine Oxford, Librarian

Wasila: Tulare County Library, Wasila Branch, 200 West Oak Avenue, Wasila, CA  
 Phone: (559) 713-2704  
 Contact: Mike Drake, Branch Manager

Wasco: Kern County Library, Wasco Branch, 1102 7th Street, Wasco, CA  
 Phone: (661) 758-2114  
 Contact: Ernestina Garcia, Branch Supervisor

Wasco: Wasco Housing Authority, 750 H. Street, Wasco, CA  
 Phone: (661) 758-2746  
 Contact: Jim Wheeler

Sacramento: Sacramento Public Library, 828 J Street, Sacramento, CA  
 Phone: (916) 264-2700  
 Contact: Rivkah Sess, Library Director

Sacramento: California High-Speed Rail Authority Office, 770 L Street, Suite 800, Sacramento, CA  
 95814

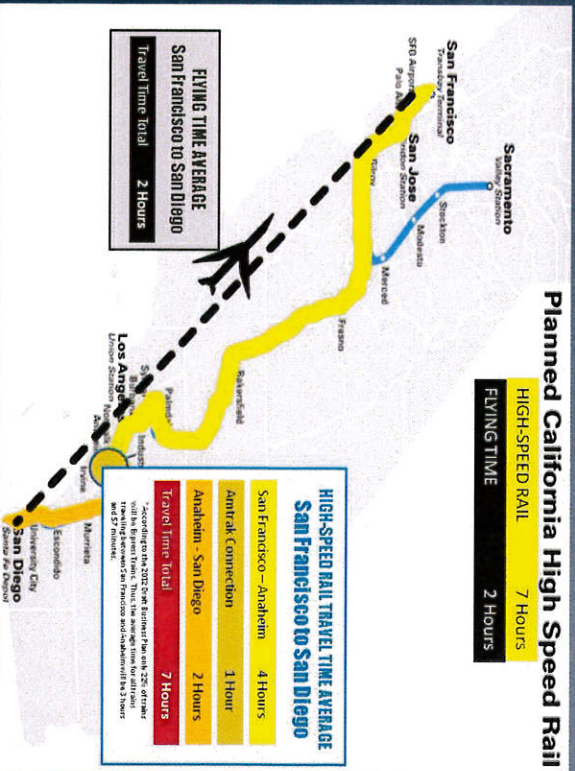
Phone: (916) 324-1241  
 Contact: Michael Finkbeiner  
 Washington, D.C.: Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, D.C., 20590-4933-6368  
 Phone: (202) 493-6368  
 Contact: David Valverde, Environmental Program Manager

## 8.2 Federal Agencies

Advisory Council on Historic Preservation, Executive Director, Washington, DC  
 Bureau of Indian Affairs, Regional Director, Sacramento, CA  
 Bureau of Land Management, State Director, Sacramento, CA  
 Bureau of Reclamation Mid Pacific Region, Area Manager, Redwood, CA  
 Department of Housing and Urban Development, Secretary, Washington, DC  
 Federal Aviation Administration, Planning and Programming Branch, Division Manager, Lawndale, CA  
 Federal Emergency Management Agency, Region 9, Director of External Affairs, Oakland, CA  
 Federal Highway Administration, Division Administrator, Sacramento, CA  
 Federal Highway Administration, Environmental Coordinator, Merced, CA  
 Federal Railroad Administration, Office of Policy and Plans, Washington, DC  
 Federal Transit Administration, Office of Planning and Program Development, Regional Administrator, San Francisco, CA  
 Federal Transit Administration, Office of Planning and Program Development, Director, Washington, DC  
 National Marine Fisheries Service, Capital Mail, Sacramento, CA  
 National Oceanic and Atmospheric Administration, Director, Sacramento, CA  
 National Park Service, Pacific Great Basin System Support Office, Regional Director Pacific West Region and Environmental Coordinator, Oakland, CA  
 Natural Resources Conservation Service, Area III, Fresno, CA  
 U.S. Coast Guard, District 12, Commander, Alameda, CA  
 U.S. Department of Army, Corps of Engineers, District Engineer, Sacramento District, Sacramento, CA  
 U.S. Department of Agriculture, Farm Service Agency, California State Executive Director, Davis, CA  
 U.S. Department of Agriculture, National Resource Conservation Service, State Resource Conservationist, Davis, CA



## Examples...



2012. *Climate Change Emission Reduction Data*. California Environmental Protection Agency Air Resources Board. <http://www.arb.ca.gov/cc/emissions/emissions.html> (accessed May 25, 2012).
- 2013a. *OSTFAD Model 2011*. May 2011. [http://data.arb.ca.gov/cc/categories/tem.html\\_category](http://data.arb.ca.gov/cc/categories/tem.html_category) (accessed June 2012).
- 2013b. *California Ambient Air Quality Standards (CAAQS)*. <http://www.arb.ca.gov/cc/aqs/aaqs/aaqs.pdf> (accessed February 2012).
- California Department of Conservation. Director of Pesticide and Land Use (CDMGS). 2008. *A General Review of California's Air Quality Management Districts*. *Air Quality Management Districts*. Occurrence Abstracts.
- California Department of Transportation (Caltrans). 1993. *California's LBN Source Dispersion Study*. <http://www.caltrans.ca.gov/airquality/airquality.htm> (accessed May 2012).
1997. *Transportation Project Level Carbon Molecular Product (lcrp)*. *nc*. Prepared by University of California, Davis. December 1997.
- California Environmental Protection Agency (Cal EPA). 2010. *Climate Action Plan Report to Governor Schwarzenegger and the California Legislature*. December 2010.
- California Environmental Protection Agency and California Air Resources Board (Cal EPA and CARB). 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. California High-Speed Rail Authority and USDOT Federal Railroad Administration. August 2005.
- California High-Speed Rail Authority and USDOT Federal Railroad Administration (Authority and FRA). 2010. *Final Program Environmental Impact Statement/Environmental Impact Statement (FPEIS) for the Proposed California High-Speed Train System, Vol. 1, Project Summary*. California High-Speed Rail Authority and USDOT Federal Railroad Administration. August 2005.
2008. 2010. *Bay Area to Central Valley High-Speed Train (CVST) Final Program Environmental Impact Statement/Environmental Impact Statement (FPEIS)*. Sacramento and Washington, DC: California High-Speed Rail Authority and USDOT Federal Railroad Administration. May 2008. <http://www.hsr.ca.gov/airquality>.
- 2013a. *Report to Stakeholder: Air Quality Potential Impact*. Sacramento and Washington, DC: California High-Speed Rail Authority and USDOT Federal Railroad Administration. In preparation 2012.
- 2013b. *Report to Stakeholder: Air Quality Potential Impact*. Sacramento and Washington, DC: California High-Speed Rail Authority and USDOT Federal Railroad Administration. In preparation 2012.
- California Office of Environmental Health Hazard Assessment (OEHHA). 2001. *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. August 2003.
2012. *Technical Support Document for Exposure Assessment and Statistical Analysis*. Scientific Review Panel. June 2012.
- Conrad of Fresno County Government (Fresno CDO). 2010a. *2011 Regional Transportation Plan*. <http://www.fresno.ca.gov/transportation>.



Western Regional Climate Center. 2009. "Historical Climate Information, Fresno, California, Normal, Means, and Extremes." [http://www.wrcc.dli.edu/cgi-bin/cliho\\_gfrcas3193](http://www.wrcc.dli.edu/cgi-bin/cliho_gfrcas3193) (accessed May 24, 2011).

Wills, Jessica. 2010. Air Quality Specialist, San Joaquin Valley Air Pollution Control District. Email communication with Chris Vebey, Senior Air Quality Scientist, URS Corporation, August 4, 2010.

### Section 3.4 Noise and Vibration

Authority: See California High-Speed Rail Authority.

California High-Speed Rail Authority and USDOT Federal Railroad Administration (Authority and FRA). 2005. *Final Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Proposed California High-Speed Train System*, Vol. 1, Report, Sacramento and Washington, DC: California High-Speed Rail Authority and USDOT Federal Railroad Administration, August 2005.

[2008] 2010. *Bay Area to Central Valley High-Speed Train (HST) Final Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS)*, Sacramento and Washington, DC: California High-Speed Rail Authority and USDOT Federal Railroad Administration, May 2008, revised August 2010.

[2012] 2012. *Response to Bakersfield Section Noise and Vibration Technical Report*, Sacramento and Washington, DC: California High-Speed Rail Authority and USDOT Federal Railroad Administration, in preparation 2012.

Federal Highway Administration (FHWA). 2010. *Highway Traffic Noise: Analysis and Abatement Guidance*, Washington DC: U.S. Department of Transportation, revised January 2011.

Federal Railroad Administration (FRA). 2005. *High-Speed Ground Transportation Noise and Vibration Impact Assessment*, Washington, DC: U.S. Department of Transportation, October 2005. [http://www.fra.dot.gov/documents/FTA\\_Noise\\_and\\_Vibration\\_Manual.pdf](http://www.fra.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf) (accessed January 2011).

Federal Railroad Administration (FRA), Office of Safety. 2010. "Office of Safety Analysis Home Page." Washington, DC. <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/vib/vibgylo.aspx>.

Federal Transit Administration (FTA). 2006. *Transit Noise and Vibration Impact Assessment*, Report No. FTA-VI-90-1003-06, Washington, DC: Department of Transportation, May 2006. [http://www.fta.dot.gov/documents/FTA\\_Noise\\_and\\_Vibration\\_Manual.pdf](http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf).

### Section 3.5 Electromagnetic Fields and Electromagnetic Interference

American Conference of Governmental Industrial Hygienists (ACGIH). 1996. Threshold Limit Values for Chemical Substances and Physical Agents, Biological Exposure Indices, Cincinnati, OH.

affected environment, environmental consequences, and mitigation measures resulting from changes in project alternatives, as well as information and analyses provided in response to public and agency comments on the Draft EIR/EIS for the Fresno to Bakersfield Section, are provided in this chapter and highlighted in gray.

#### 3.1.1 Chapter 3 Purpose and Content











This chapter consists of three sections—the Affected Environment, Environmental Consequences, and Mitigation Measures—for each resource topic. The first section describes existing environmental conditions in the areas that would be affected by the proposed Fresno to Bakersfield Section of the HST Project and the No Project Alternative. This is followed by a discussion of potential environmental impacts associated with constructing and operating the HST alternatives. The sections in this chapter then conclude with the identification of site-specific mitigation measures where impacts cannot be otherwise avoided or reduced through design.

The analyses address the impacts of the alternative alignment, stations, and other related HST facilities as described in Chapter 2, Alternatives. They also incorporate impacts associated with related infrastructure changes required to accommodate the HST alternatives, such as roadway and interchange modifications, utility relocation, and addition of power substations, and identify key differences among the impacts associated with the alternatives. This document analyzes mitigation, impacts resulting from mitigation, and feasibility of mitigation.

Analysts used many sources to prepare this document. Chapter 10, References/Sources Used in Document Preparation, lists these sources.

#### 3.1.2 Organization of This Chapter

Chapter 3 presents each environmental resource topic in its own section, as follows:

- Section 3.2 Transportation\* 
- Section 3.3 Air Quality and Global Climate Change\* 
- Section 3.4 Noise and Vibration\* 
- Section 3.5 Electromagnetic Fields and Interference
- Section 3.6 Biological Resources and Wetlands\* 
- Section 3.7 Public Utilities and Energy
- Section 3.8 Hydrology and Water Resources\* 
- Section 3.9 Geology, Soils, and Seismicity\* 
- Section 3.10 Hazardous Materials and Wastes\* 
- Section 3.11 Safety and Security
- Section 3.12 Socioeconomics, Communities, and Environmental Justice\* 
- Section 3.13 Station Planning, Land Use, and Development
- Section 3.14 Agricultural Lands
- Section 3.15 Parks, Recreation, and Open Space
- Section 3.16 Aesthetics and Visual Resources\* 
- Section 3.17 Cultural and Paleontological Resources\* 
- Section 3.18 Regional Growth
- Section 3.19 Cumulative Impacts

The asterisks in this list indicate sections supported by a technical report containing additional detailed analyses. In

#### More About Sections

Analyses of specific in the project sections can be found in the following sections:

- 3.2, Transportation
- 3.3, Air Quality and Global Climate Change
- 3.4, Noise and Vibration
- 3.5, Electromagnetic Fields and Interference
- 3.6, Hydrology and Water Resources
- 3.10, Hazardous Materials and Wastes
- 3.11, Safety and Security
- 3.12, Socioeconomics, Communities, and Environmental Justice
- 3.13, Station Planning, Land Use, and Development
- 3.15, Parks, Recreation, and Open Space



The Environmental Impact Statement refers the public to the Technical Reports more than 150-times but the printed and digital Technical Reports were never included with the printed documents for the public to review!

### 3.2 Transportation

#### 3.2.1 Introduction

This section describes the regulatory setting and the affected environment for transportation, the impacts on transportation that would result from the project, and the mitigation measures that would reduce these impacts.

Growth-inducing impacts and cumulative impacts are discussed in Sections 3.1.6, Regional Growth, and 3.1.9, Cumulative Impacts, respectively. Safety and security impacts potentially associated with traffic and circulation are evaluated in Section 3.1.1, Safety and Security. Additional information about transportation is provided in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and RRA 2012).

The HST program incorporates several project engineering and design features intended to avoid or reduce the potential impacts of implementing the new HST System between Fresno and Bakersfield. The *Final Program Environmental Impact Report Environmental Impact Statement (EIR/EIS) for the Proposed California High-Speed Train System* (Statewide Program EIR/EIS) (Authority and RRA 2005) presents those features, which include but are not limited to, where feasible, locating the proposed project parallel to existing transportation facilities such as freeways and freight railroads. The intent of these engineering and design elements is to maintain the basic integrity of the existing surface transportation system so that the proposed project enhances mobility without causing substantial increases in traffic or travel time.

#### 3.2.2 Laws, Regulations, and Orders

Federal, state, and local laws, regulations, and orders that pertain to transportation and traffic resources under the project are presented below.

#### 3.2.3.2 Baseline Operational Analysis

In accordance with CEQA requirements, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project. Those conditions, in turn, "will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant" (CEQA Guidelines §15125[a]).

For a project such as the HST project that would not commence operation for approximately 10 years and would not reach full operation for approximately 25 years, use of only existing conditions as a baseline for traffic LOS impacts would be misleading. It is substantially more likely that existing background traffic volumes (and background roadway changes due to other programmed traffic improvement projects) will change between today and 2020/2035 than it is for existing traffic conditions to remain precisely unchanged over the next 10 to 25 years. For example, as stated in Section 3.2.5.1, Regional Transportation Plans (RTPs) include funded transportation projects that are programmed to be constructed by 2035. Ignoring the fact that these projects would be in place before the HST project reaches maturity (i.e., the point year at which HST-related traffic generation would reach a maximum), and evaluating the HST project's traffic impact without recognizing that the RTP improvements would change the underlying background conditions to which HST project traffic would be added, would create a hypothetical comparison, and, for these reasons, would be misleading.

For this reason, the LOS traffic analysis in this section uses a dual-baseline approach. That is, the HST project's LOS traffic impacts are evaluated both against existing conditions and against background (i.e., No Project) conditions as they are expected to be in 2035. This approach complies with CEQA. (See *Woodward Park Homeowners Assn. v. City of Fresno* (2007) 150 Cal.App.4th 683, 707 and *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351.). *Pfeiffer v. City of Sunnyvale* (2011), 200 Cal.App.4th 1552, *Madera Oversight Coalition v. County of Madera* (2011), 199 Cal. App.4th 48) and *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (6th Appellate District, Case no. B232655, April 17, 2012). Impact results for both baselines (and mitigation where required) are presented in this section in summary format; further details (including mitigation) are presented in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and RRA 2012).

This approach informs the public of potential project impacts (and associated mitigation) under both baselines, reserving extensive detail for the supporting technical report. This approach improves readability for the public of a technically complex subject—traffic-modeling analysis. Very detailed analysis results, including extensive LOS calculation tables, are contained in the *Fresno to Bakersfield Section: Transportation Analysis Technical Report* (Authority and RRA 2012).



# Other NEPA legal compliance problems Associated with not publicly releasing the Technical Reports....NEPA requires the release of the Technical Reports.

## Title 40: Protection of Environment CHAPTER V: COUNCIL ON ENVIRONMENTAL QUALITY PART 1502: ENVIRONMENTAL IMPACT STATEMENT

1502.21 - Incorporation by reference. Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

### **Incorporation by Reference**

Also found in: Financial, Wikipedia

0.03 sec.

*The method of making one document a part of another separates documents by alluding to the former in the latter and declaring that the former shall be taken and considered as a part of the latter the same as if it were complete by itself and the rest.*

It is common drafting practice to incorporate by reference an existing writing into a pleading, contract, or other legal document in order to save space. The incorporating document, rather than copying the exact words of the existing document, describes it, and a photo-copy is often attached to the incorporating document. This standard practice, however, encounters difficulty with the requirements prescribed by law for a will. If the will is a holograph—a document disposing of property that is written with one's own hand and not witnessed—the attachment might not be in the handwriting of the deceased and, therefore, invalid. If the will is formal, an attachment might violate the requirement that the testator (one who makes a will) or the witnesses subscribe (sign at the end of the will) the attachment. If subscription is not required, the incorporated document raises the question whether the testator has declared it to be a part of the will if it was not present at the time the will was signed.

The document that is incorporated is usually not treated as a part of the will itself but as an external source from which the meaning of the will can be determined. This maintains the distinction between actual incorporation, an integration achieved by extensive copying of a document into the pages that constitute the will, and incorporation by reference, which is a figurative rather than literal integration. Incorporation by reference is treated as if it were actually integrated.

Fear of fraudulent substitutions is probably the basis for the legal insistence upon compliance with certain conditions in order to incorporate a document into a will by reference. Certain requirements exist for incorporation by reference into a will. The document to be incorporated must exist at the time the will is executed. The will must manifest the intention of the testator to incorporate the provisions of the incorporated document. The incorporated document must be sufficiently described to permit its identification. Some courts emphasize that the incorporated document comply with the description. Some, but not all, courts require that the incorporating document refer to the incorporated document as being in existence in addition to the requirement mentioned earlier that it actually be in existence.

Most states presently allow incorporation by reference into wills upon compliance with the foregoing conditions. In the states that permit holographic wills, most allow the incorporation by reference of a holographic material, even if it is not incorporated into the will because it is not entirely in the handwriting of the deceased.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.



# **Who knew about the problem and failed to take action to allow the public full participation in the Environmental Impact Statement process...**

## **David Valenstein, Federal Railroad Administration**

Notified of the problem- August-27, 28 & 29, 2012 and September-5, 14 & 17-2012

## **Jeff Morales, California High-Speed Rail Authority**

Notified of the problem- August-27, 28 & 29, 2012, September 11, 2012 and October 4, 2012

## **The California High-Speed Rail Authority Board**

**Dan Richard, Chair**

**Lynn Schenk, Co-Chair**

**Thomas Richards, Co-Chair**

**Thomas Umberg**

**Jim Hartnett**

**Michael Rossi**

**Robert Balgenorth**

All notified of the problem- September 11, 2012 and October 4, 2012





## Do your job & comply with the National Environmental Policy Act....

Re-Release the Fresno to Bakersfield Revised Draft Environmental Impact Statement with all of the support documentation used to formulate the document and its assumptions.

Re-Release the documents electronically , as digital discs and in printed formats in the languages commonly spoken in the affected regions.

Allow the public and local governments adequate time to review the re-released documents and information.

Or

Deem the Technical Report data referenced in the Fresno to Bakersfield Revised Draft Environmental Impact Statement as non-relevant information that is not to be used or considered in project decision making.

And

Resolve this today...





# Questions or Observation

